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FEDERAL DEPOSIT INSURANCE CORPORATION,
as Receiver for LA JOLLA BANK, FSB

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

IN RE DANIEL GEORGE JOHN TARKANIAN
AND AMY MICHELLE TARKANIAN,

Debtors.

Case No: 13-20495-mkn
Chapter 7

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF CREDITOR'S TRIAL BRIEF
RE: OBJECTION TO HOMESTEAD
EXEMPTION**

Date: May 1, 2014
Time: 9:30 a.m.
Courtroom: 2 (Third Floor)

Before Chief Judge Mike K. Nakagawa
300 Las Vegas Boulevard South
Las Vegas, Nevada

REQUEST FOR JUDICIAL NOTICE

Creditor Federal Deposit Insurance Corporation as Receiver for La Jolla Bank, FSB (“Creditor”), hereby respectfully requests that the Court take judicial notice of the following documents, attached hereto as **Exhibits 1 and 2**. This request is made pursuant to Rule 201 of the Federal Rules of Evidence, and the authorities cited below, and is made in connection with Creditor’s Trial Brief.

I. BASIS FOR REQUESTING JUDICIAL NOTICE

A court may take judicial notice of a fact that is not “subject to reasonable dispute in that it is either (1) generally known within the jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot be reasonably questioned.” Fed. R. Evid. 201(b). If a party requests a court to take judicial notice of such facts, and supplies the court with the necessary information, then judicial notice of those facts is mandatory. Fed. R. Evid. 201(c)(2).

Court filings, including complaints, claims, petitions and judicial orders, constitute documents that are public records and capable of accurate and ready confirmation by sources that cannot reasonably be questioned and be proper subjects for judicial notice. *See United States v. Wilson*, 631 F.2d 118, 119 (9th Cir. 1980) (“a court may take judicial notice of its own records in other cases, as well as the records of an inferior court in other cases”); *see also In re Korean Air Lines Co., Ltd.*, 642 F.3d 685, 689 n1 (9th Cir. 2011).

Accordingly, Creditor requests that this Court take judicial notice of the judicial record attached hereto as **Exhibit 1**, namely: A true and correct copy of the Judgment entered into on May 22, 2012, by the United States District Court for the Southern District of California against Defendants Danny Tarkanian, Amy Tarkanian, Jerry Tarkanian, Lois Tarkanian, George Tarkanian, Zafir Diamant, and Josephine Diamant in the amount of \$16,995,005.17, and judgment against Defendants Douglas Johnson and Debra Johnson in the amount of \$31,244,249.21, with post-judgment interest at 10% as to all Defendants in the case entitled *FDIC v. Danny Tarkanian, et al.*, case no. 3:10-CV-0980-WQH (KSC).

Creditor further requests that the Court take judicial notice of the judicial record attached hereto as **Exhibit 2**: A true and correct copy of the publicly available Order Granting Creditor’s Motion for Summary Judgment on the Counterclaims of Defendants Danny Tarkanian, Amy Tarkanian, Jerry

1 Tarkanian, Lois Tarkanian, George Tarkanian, Zafir Diamant, and Josephine Diamant issued by the
2 United States District Court for the Southern District of California on April 17, 2012, in the case entitled
3 *FDIC v. Danny Tarkanian, et al.*, case no. 3:10-CV-0980-WQH (KSC).

4 **II. CONCLUSION**

5 The Court may take judicial notice of the records attached hereto as **Exhibits 1 and 2** pursuant to
6 the Federal Rule of Evidence 201.

7 Dated: April 28, 2014

8 Janice Mock
Nossaman LLP

9
10 By: _____

11 Janice Mock

12 Attorneys for Creditor FEDERAL DEPOSIT
13 INSURANCE CORPORATION, as Receiver for LA
14 JOLLA BANK, FSB
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CERTIFICATE OF SERVICE

On April 28, 2014, I caused to be served the following document:

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF CREDITOR'S TRIAL BRIEF RE:
OBJECTION TO HOMESTEAD EXEMPTION**

I served the above-named document by the following means to the persons listed below:

Via ECF System:

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I declare under penalty of perjury that the foregoing is true and correct.

/s/ Joy Morla
An employee of NOSSAMAN LLP